

REMARKS

This Amendment and Response addresses the final Office action dated February 8, 2007, and is submitted within two months of the mailing date of the final Office action. Accordingly, at a minimum, an Advisory Action is requested. However, for the reasons set forth below, our primary request is for the withdrawal of the finality of the Office action and issuance of a notice of allowance of all the pending claims. Claim 17 is amended. Accordingly, after entry of this Amendment and Response, claims 1-48 remain pending.

I. Claim Rejections Under 35 U.S.C. § 101

Claims 17-32 are rejected under 35 U.S.C. § 101 as not being limited to tangible embodiments. In response independent claim 17 is amended to specify an article of manufacture comprising: a tangible computer medium As amended, claim 17 is limited to tangible embodiments and is therefore in compliance with 35 U.S.C. § 101. The remaining rejected claims 18-32 all depend from independent claim 17 and are therefore also limited to tangible embodiments and in compliance with 35 U.S.C. § 101.

II. Claim Rejections Under 35 U.S.C. § 102

Claims 1, 2, 8, 10, 11, 16-18, 24, 26, 27, 32-34, 42, 43 and 48 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,020,835 to Loaiza et al. (hereinafter "Loaiza"). This rejection is respectfully traversed because Loaiza does not disclose the use of both first and second integrity metadata as required by the independent claims.

A proper anticipation rejection requires that each and every limitation of a claim be disclosed in a single prior art reference. Initially, the rejection of independent claims 1, 17 and 33 is addressed. Independent claims 1, 17 and 33 include the limitation "defining a first sub-domain using an association between the data and a second integrity metadata" Loaiza teaches the use of a checksum that is used to verify the integrity of a data block at multiple levels before the data block is stored (see *Loaiza*, column 7, 16-34). That is, the same checksum is utilized at each level to validate the data block. Loaiza does not disclose a second integrity metadata as required by the independent claims 1, 17 and 33. Insofar as Loaiza does not disclose a second integrity metadata, it cannot anticipate the independent claims 1, 17 and 33. As such Loaiza is insufficient to anticipate independent claims 1, 17 and 33 and such indication is respectfully requested.

The remaining rejected claims 2-16, 18-32 and 34-48 all depend, either directly or indirectly, from one of independent claims 1, 17 and 33. Accordingly, these dependent claims are themselves patentable over Loaiza for at least the reasons set forth above and

such indication is respectfully requested. This statement is made without reference to or waiving the independent bases of patentability within each dependent claim.

III. Allowable Subject Matter

The Examiner is thanked for the indication that claims 3-7, 9, 12-15, 20-23, 30, 35-39, 41 and 44-47 would be allowable if rewritten in independent form. At this time, these claims have not been rewritten in independent form. For the reasons set forth above with regard to independent claims 1, 17 and 33, it is believed that these claims are in form for allowance without amendment and such indication is requested. Applicant reserves the right to amend claims 3-7, 9, 12-15, 20-23, 30, 35-39, 41 and 44-47 in independent form at a later date.

IV. Conclusion

The Applicant thanks the Examiner for his thorough review of the application. The Applicant respectfully submits the present application, as amended, is in condition for allowance and respectfully requests the issuance of a Notice of Allowability as soon as practicable.

The Applicant believes no fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this a request therefor and authorization to charge Deposit Account No. 04-1415 as necessary.

If the Examiner should require any additional information or amendment, please contact the undersigned attorney.

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Respectfully submitted,



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